

UNITED STATES DISTRICT COURT

for the
Eastern District of New York

United States of America

v.

ROSA ORTIZ

Defendant

M 12-0179

Case No.

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) ROSA ORTIZ

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Conspiracy, in violation of 18 U.S.C. sec. 371; and unauthorized use, transfer, acquisition, alteration or possession of food stamp benefits in an amount greater than \$5,000.

Date: 02/17/2012



Issuing officer's signature

City and state: Brooklyn, New York

Hon. James Orenstein, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

UNITED STATES DISTRICT COURT

for the
Eastern District of New York

M 12-0179

United States of America

v.

ENRIQUE CALDERON

Case No.

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay*(name of person to be arrested)* ENRIQUE CALDERON

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
☒ Complaint
☐ Probation Violation Petition
☐ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

Conspiracy, in violation of 18 U.S.C. sec. 371; and unauthorized use, transfer, acquisition, alteration or possession of food stamp benefits in an amount greater than \$5,000.

Date: 02/17/2012*Issuing officer's signature*City and state: Brooklyn, New YorkHon. James Orenstein, U.S. Magistrate Judge*Printed name and title*

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
 at *(city and state)* _____.

Date: _____

*Arresting officer's signature**Printed name and title*

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

UNITED STATES DISTRICT COURT

for the
Eastern District of New YorkIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)GLENWOOD FOOD CORP., 103-19 GLENWOOD
ROAD, BROOKLYN, NEW YORK 11236, INCLUDING
THE BASEMENT AREA) **M 12-0179**
)
) Case No.
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search
of the following person or property located in the Eastern District of New York
(identify the person or describe the property to be searched and give its location):THE PREMISES KNOWN AND DESCRIBED AS GLENWOOD FOOD CORP., 103-19 GLENWOOD ROAD,
BROOKLYN, NEW YORK 11236, INCLUDING THE BASEMENT AREAThe person or property to be searched, described above, is believed to conceal (identify the person or describe the
property to be seized):

See Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or
property.**YOU ARE COMMANDED** to execute this warrant on or before March 2, 2012

(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been
established.Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property
taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the
place where the property was taken.The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an
inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge
Duty Magistrate

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay
of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be
searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).☐ until, the facts justifying, the later specific date of _____.Date and time issued: 02/17/2012 0:00 am 2:07 PM
Judge's signatureCity and state: Brooklyn, New York

Hon. James Orenstein, U.S. Magistrate Judge

Printed name and title

<i>Return</i>		
<i>Case No.:</i>	<i>Date and time warrant executed:</i>	<i>Copy of warrant and inventory left with:</i>
<i>Inventory made in the presence of :</i>		
<i>Inventory of the property taken and name of any person(s) seized:</i>		
<i>Certification</i>		
<p style="text-align: center;"><i>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</i></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><i>Date:</i></p> </div> <div style="width: 50%;"> <p style="text-align: center;">..... <i>Executing officer's signature</i></p> <p style="text-align: center;">..... <i>Printed name and title</i></p> </div> </div>		

ATTACHMENT A

Evidence, instrumentalities and fruits of violations of Title 7, United States Code, Section 2024, and Title 18, United States Code, Section 371 to be seized from the premises known and described as Glenwood Food Corp., 103-19 Glenwood Road, Brooklyn, New York, 11236, including the basement area, and any locked or closed containers therein:

- a. Electronic benefit transaction ("EBT") cards;
- b. Equipment used in connection with EBT card transactions, including but not limited to EBT terminals, pin pads, card swipe devices, and recipient printers;
- c. Any and all materials/equipment relating to the USDA's supplemental nutrition assistance program, including but not limited to licenses, application materials, notices, training materials, records of redemptions, service records; and
- d. United States currency.

NB:SCF
F.#2010R02126

M 11-0179

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

ENRIQUE CALDERON and
ROSA ORTIZ,

Defendants.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANTS

(T. 7, U.S.C.,
§ 2024(b)(1); T. 18,
U.S.C. § 371)

- - - - -X

- - - - -X

IN THE MATTER OF THE SEARCH OF THE
PREMISES KNOWN AND DESCRIBED AS
GLENWOOD FOOD CORP., 103-19 GLENWOOD
ROAD, BROOKLYN, NEW YORK 11236,
INCLUDING THE BASEMENT AREA

AFFIDAVIT IN SUPPORT
OF SEARCH WARRANT

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

LUIGI STOLFA, being duly sworn, deposes and says that
he is a Special Agent with the United States Department of
Agriculture, Office of Inspector General ("OIG").

In or about and between January 2010 to the present,
both dates being approximate and inclusive, within the Eastern
District of New York and elsewhere, the defendants ENRIQUE
CALDERON and ROSA ORTIZ together with others, willfully and
intentionally conspired to use, transfer, acquire and possess
food stamp benefits, in excess of \$5,000, contrary to the
Supplemental Nutrition Assistance Program, and regulations issued

thereunder, in violation of Title 7, United States Code, Section 2024(b)(1).¹

Upon information and belief, there is probable cause to believe that there is evidence located inside THE PREMISES KNOWN AND DESCRIBED AS GLENWOOD FOOD CORP., 103-19, BROOKLYN, NEW YORK 11236, INCLUDING THE BASEMENT AREA (the "SUBJECT PREMISES"), and any closed containers and items contained therein, of violations of Title 7, United States Code, Section 2024 and Title 18, United States Code, Section 371 (unauthorized use, transfer, acquisition and possession of USDA food stamp benefits and conspiracy to commit same (collectively, "the Offenses"))).

The sources of my information and the grounds for my belief are as follows:

1. I am a Special Agent with the United States Department of Agriculture ("USDA") and have been so employed for two years and five months. Prior to working for the USDA, I spent eight years in the United States Navy as an intelligence specialist and one year as an investigative assistant with the Office of Personnel Management. During my time as a Special Agent with USDA, I have been involved in many investigations relating to violations of federal law, including violations of Title 7, United States Code, Section 2024 and Title 18, United States Code, Section 371. I have received training in various

¹ A copy of 7 U.S.C. § 2024 is attached.

investigative techniques including the execution of search warrants.

2. The statements contained in this Affidavit are based upon my investigation, my experience, and my background as a special agent with USDA, information provided by other law enforcement agents and reports that I have reviewed. I have set forth in this affidavit only the facts necessary to establish probable cause to arrest and to search.

3. The SUBJECT PREMISES occupies the ground floor and basement area of a one-story, red-brick building located near the corner of Glenwood Road and East 104th Street in the Canarsie section of Brooklyn. Access is gained to the SUBJECT PREMISES through two glass doors that open onto Glenwood Road. The numerals "103-19," in black typeface, hang above the doors. Six-foot high glass windows, adorned with a variety of signs and advertisements, line the front of the building. A yellow awning hangs above the front of the SUBJECT PREMISES. On that awning are written the words "Glenwood Supermarket Food Corp." Inside the SUBJECT PREMISES is a cashier area, which is located to the immediate right once inside the main doors. The SUBJECT PREMISES also contains a freezer area, a deli counter and four grocery aisles. At the rear of the business is a door labeled "For Employees Only," which leads to additional space - likely an

office area. The basement area is accessed by way of a set of stairs located at the rear of the SUBJECT PREMISES.

Background

4. The USDA administers a food stamp program in which pre-approved food retailers may sell food in exchange for coupons, commonly known as food stamps, presented by eligible members of certain low-income households. These USDA food stamps may only be used to purchase certain eligible food items, and, pursuant to 7 U.S.C. § 2016 and 7 C.F.R. § 278.2(a), an authorized retail food store may not exchange cash for USDA food stamps. In addition, food stamps may not be used to purchase coffee or cigarettes. Congress' enactment of the 2008 Farm Bill, Pub. L. No. 110-246, brought several changes to what used to be known as the Food Stamp Program. The following summary of the changes is for reference. The "Food Stamp Act of 1977" was renamed the "Food and Nutrition Act of 2008." The food stamp program was renamed the Supplemental Nutrition Assistance Program ("SNAP"). Section 15 of the Food and Nutrition Act of 2008 (7 U.S.C. § 2024) was amended so that all references to coupons, authorization cards, and/or access devices were replaced with the broader term "benefits."

5. Retailers who participate in the SNAP must apply for a license to redeem food stamps. A retailer's application must detail, among other things, the retailer's address, owners,

hours of business, estimated gross annual food sales, and other pertinent information. Before the SNAP will authorize a retailer to participate in the program, an owner or designated representative of the retailer is required to be notified of rules and regulations and at times attend an orientation class at which pertinent rules and regulations pertaining to the food stamp program are taught.

6. SNAP benefits are distributed to recipients in the New York metropolitan area through the use of Electronic Benefit Transfer ("EBT") cards provided by the SNAP, which function in a manner similar to debit cards. On the back of each EBT card, there is a magnetic strip containing electronically coded information identifying the particular recipient and the dollar amount of the benefits to which that recipient is presently entitled. At the beginning of each month, the benefits are encoded electronically on this magnetic strip. For instance, if a recipient is authorized to receive \$300 per month in SNAP benefits, the recipient's SNAP EBT card would reflect those benefits beginning on or about the first day of each month.

7. Retailers who have been approved by SNAP to participate in the program receive a computer terminal capable of reading the coded information on the SNAP EBT card and adjusting the available dollar amount when a user makes eligible purchases with the card. This electronic transfer of benefits is initiated

at the retailer's terminal by deducting benefits from the recipient's account and crediting the amount to a bank account that the retailer earlier authorized for that purpose. Both the State of New York and the SNAP in Washington, D.C., maintain computerized records of each EBT card transaction, including the time and amount of each transaction. Portions of the transmission of data between retailers' SNAP EBT computer terminals in the New York City metropolitan area, computers maintained by the State of New York, and computers maintained by the SNAP in Washington, D.C. occur over interstate wires.

8. For each SNAP EBT card transaction, the retailer's computer terminal prints a receipt stating: "DO NOT DISPENSE CASH." In addition, the training literature provided by the SNAP instructs the retailers that no cash may be dispensed during a SNAP EBT transaction. The orientation class that an owner or designated representative is required to attend also teaches that no cash may be dispensed during a SNAP EBT transaction.

9. SNAP records show that the SUBJECT PREMISES was authorized to participate in the SNAP in or about January 2009. The store was registered as a small grocery store with four aisles of groceries and two registers. The store's annual gross retail and wholesale sales were estimated to be \$550,000. In 2011, Glenwood Food Corp. had redemptions of approximately \$985,226 for SNAP EBT transactions over \$50.

10. Pursuant to the SNAP rules, ENRIQUE CALDERON as owner and President of Glenwood Food Corp., provided a bank account at J.P. Morgan Chase Bank that would be used for any redemption of SNAP benefits at the SUBJECT PREMISES. Thus, from in or about January 2009, up to and including the present, SNAP has transmitted all funds owed as credit for food stamp redemptions at Glenwood Food Corp. to the account at J.P. Morgan Chase Bank, for which CALDERON is the designated account-holder, via direct deposit from bank accounts in Washington, D.C.

Investigation of the Defendants

11. Between approximately January 2010 and the present, defendants ENRIQUE CALDERON and ROSA ORTIZ have operated the cash register and acted as cashiers at the retail grocery store located at the SUBJECT PREMISES.

12. For approximately eighteen months, USDA OIG agents have been investigating the defendants for possible violations of the SNAP EBT benefits program. This investigation has revealed that the defendants, individually and collectively, debit customers' SNAP EBT cards for an amount that supposedly represents the purchase price of food from the store. In these exchanges for SNAP EBT benefits, defendants ENRIQUE CALDERON and ROSA ORTIZ give cash to the customer in an amount that was approximately 30 percent less than the total value of the SNAP EBT benefits charged against the customer's EBT account. In

turn, the defendants took the difference in value not given to the customer and improperly transferred these SNAP EBT funds to the Glenwood Food Corp. account in violation of the law.

13. At different times between June 2010 and January 2012, two different cooperating witnesses ("CW-1" and "CW-2") working under the direction of USDA OIG agents, engaged in SNAP EBT "purchases" from the SUBJECT PREMISES in which employees of Glenwood Food Corp. redeemed SNAP EBT benefits from CW-1 and CW-2 in exchange for cash at a discounted rate. CW-1 and CW-2 are individuals who have provided reliable information to the government in the past and the information CW-1 and CW-2 have provided in the past has been corroborated. CW-1 and CW-2 consensually and surreptitiously recorded the conversations during which these transactions occurred. With respect to the transactions listed in paragraphs 14 through 25, CW-1 or CW-2 recorded these transactions by audio and video surveillance equipment.

14. During an undercover operation conducted on July 8, 2010, CW-1 used a SNAP EBT card at the SUBJECT PREMISES with defendant ROSA ORTIZ. CW-1 did not purchase any food, but rather gave ORTIZ an EBT card and asked for \$50 cash back. ORTIZ agreed to give the cash, and processed the EBT card for \$65.00 and handed CW-1 \$50 cash. Thus, CW-1 received \$50 cash in exchange for \$65.00 in EBT benefits.

15. During an undercover operation conducted on August 18, 2010, CW-1 again used a SNAP EBT card at the SUBJECT PREMISES with defendant ROSA ORTIZ. CW-1 did not purchase any food, but rather gave ORTIZ an EBT card and asked for \$100 in cash. ROSA ORTIZ agreed, and gave CW-1 the cash in exchange for a \$140.00 charge to the SNAP EBT account. Thus, CW-1 received \$100 cash in exchange for \$140.00 in EBT benefits.

16. During an undercover operation conducted on September 9, 2010, CW-1 used a SNAP EBT card at the SUBJECT PREMISES with the defendant ROSA ORTIZ. CW-1 did not purchase any food, but rather gave ORTIZ an EBT card and asked for \$70 in cash. ORTIZ agreed, and gave CW-1 \$70 in exchange for a \$100 charge to the SNAP EBT account. Thus, CW-1 received \$70 cash in exchange for \$100 in EBT benefits.

17. During an undercover operation conducted on October 6, 2010, CW-1 used a SNAP EBT card at the SUBJECT PREMISES with the defendant ROSA ORTIZ. CW-1 did not purchase any food, but rather gave ORTIZ an EBT card and asked if she could get what was left of the \$109 on the EBT card in cash. ORTIZ took the card and processed it for the full \$109. ORTIZ gave CW-1 \$75 cash in exchange for a \$109 charge to the SNAP EBT account. Thus, CW-1 received \$75 cash in exchange for \$109 in EBT benefits.

18. During an undercover operation conducted on November 5, 2010, CW-1 used a SNAP EBT card at the SUBJECT PREMISES with defendant ENRIQUE CALDERON. CW-1 did not purchase any food, but

rather gave CALDERON an EBT card, and asked CALDERON to clear the card. CALDERON agreed, and gave CW-1 \$93.50 cash in exchange for a \$135.00 charge to the SNAP EBT account. Thus, CW-1 received \$93.50 cash in exchange for \$135.00 in EBT benefits.

19. During an undercover operation conducted on February 2, 2011, CW-1 used a SNAP EBT card at the SUBJECT PREMISES with defendant ENRIQUE CALDERON. CW-1 did not purchase any food, but rather gave CALDERON the EBT card, and asked CALDERON for \$100.00 cash. CALDERON agreed, and gave CW-1 \$100.00 cash in exchange for a \$140.00 charge to the SNAP EBT account. Thus, CW-1 received \$100.00 cash in exchange for \$140.00 in EBT benefits.

20. During an undercover operation conducted on April 13, 2011, CW-1 used a SNAP EBT card at the SUBJECT PREMISES with the defendant ROSA ORTIZ. CW-1 did not purchase any food, but rather gave ORTIZ an EBT card and asked if she could get what she could from the EBT card in cash. ORTIZ took the card and processed it for the remaining balance of \$133.00. ORTIZ gave CW-1 \$91.00 cash in exchange for a \$133.00 charge to the SNAP EBT account. Thus, CW-1 received \$91.00 cash in exchange for \$133.00 in EBT benefits.

21. During an undercover operation conducted on June 2, 2011, CW-2 used a SNAP EBT card at the SUBJECT PREMISES with defendant ENRIQUE CALDERON. On this occasion, CW-2 placed a bag of potato chips on the counter near the register and asked

CALDERON how much food stamps it would cost for cash. CALDERON responded that it would cost \$90.00 in food stamps for \$63.00 cash. CALDERON then processed CW-2's EBT card for \$91.00 and gave CW-2 \$63.00 cash in return. Thus, CW-2 received \$63.00 cash in exchange for \$91.00 in EBT benefits.

22. During an undercover operation conducted on July 14, 2011, CW-1 used a SNAP EBT card at the SUBJECT PREMISES with defendant ENRIQUE CALDERON. On this occasion, CW-1 placed a drink and detergent on the counter near the register and asked for cash back with the purchase. CALDERON agreed to the transaction, processed CW-1's EBT card for \$106.50 and gave CW-1 \$70.00 cash in return. Thus, CW-1 received \$70.00 cash in exchange for \$106.50 in EBT benefits.

23. During an undercover operation conducted on September 9, 2011, CW-1 used a SNAP EBT card at the SUBJECT PREMISES with the defendant ROSA ORTIZ. CW-1 approached the register with soap and asked whether she could receive cash back in connection with the transaction. Defendant CALDERON was present near the register area at this time and was aware of what was occurring between CW-1 and ORTIZ. ORTIZ agreed to the transaction and swiped CW-1's EBT card once for \$7.00 for the soap. ORTIZ then swiped the EBT card a second time for \$80.00. ORTIZ gave CW-1 \$56.00 cash in exchange for a \$80.00 charge to

the SNAP EBT account. Thus, CW-1 received \$56.00 cash in exchange for \$80.00 in EBT benefits.

24. During an undercover operation conducted on December 22, 2011, CW-2 used a SNAP EBT card at the SUBJECT PREMISES with the defendant ROSA ORTIZ. CW-2 purchased corned beef, cigarettes and a drink, and asked if she could also get what she could from her EBT card in cash. ORTIZ took the card and processed it for \$76.25. ORTIZ gave CW-2 \$42.00 cash in exchange for the \$76.25 charge to the SNAP EBT account.

25. During an undercover operation conducted on January 5, 2012, CW-2 used a SNAP EBT card at the SUBJECT PREMISES with the defendant ROSA ORTIZ. CW-2 purchased cigarettes and a drink, and asked if she could also get what she could from her EBT card in cash. ORTIZ took the card and processed it for \$101.25. ORTIZ gave CW-2 \$60.00 cash in exchange for the \$101.25 charge to the SNAP EBT account.

Comparison to Similar Markets

26. The SUBJECT PREMISES is classified by USDA as a small grocery store. USDA classifies stores according to size based upon a store's estimated or actual sales figures. Your Affiant's visual observations of the SUBJECT PREMISES during the relevant period revealed that it had limited eligible food stock displayed along the aisles, and the store operated only one cash register.

27. USDA redemption data was used to compare the amount of SNAP benefits redeemed at the SUBJECT PREMISES during the time period October 2010 through October 2011 with other similar-sized grocery stores in the same geographical area. This comparison showed that during the period in question, the other similar-sized grocery stores redeemed between \$54 and \$3,532 in SNAP benefits each month for transactions over \$50, while the SUBJECT PREMISES redeemed an average of \$83,311 (with a high of over \$104,000) in SNAP benefits each month for transactions over \$50.

Surveillance

28. Surveillance conducted at the SUBJECT PREMISES during undercover operations revealed that the dollar amount of SNAP EBT purchases associated with the bank account for the SUBJECT PREMISES could not be substantiated by the customer base observed. Many customers left the store empty-handed or with only a beverage or a small bag. No shopping baskets or shopping carts were offered to customers.

Conclusion

29. Based on the foregoing, as well as my conversations with other law enforcement officers, training, and experience regarding the practices and methods of supplemental nutrition assistance program fraud, I respectfully submit that there is probable cause to believe that the SUBJECT PREMISES

contains instrumentalities, evidence, and fruits of criminal activity. These instrumentalities, evidence, and fruits include:

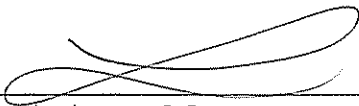
- a. Electronic benefit transaction ("EBT") cards;
- b. Equipment used in connection with EBT card transactions, including but not limited to EBT terminals, pin pads, card swipe devices, and recipient printers;
- c. Any and all materials/equipment relating to the USDA's supplemental nutrition assistance program, including but not limited to licenses, application materials, notices, training materials, records of redemptions, service records; and
- d. United States currency.

30. I further request that the Court order that all papers in support of this application, including the affidavit, search warrants, and arrest warrants, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation. Disclosure of this application and these orders would seriously jeopardize the ongoing investigation, as such a disclosure would give the targets of the investigation an opportunity to destroy evidence, harm or threaten victims or other witnesses, change patterns of behavior, notify confederates and flee from or evade prosecution.

WHEREFORE, your deponent respectfully requests that a warrant be issued under seal authorizing a search of the SUBJECT PREMISES, including any locked rooms, containers or safes located


therein, and authorizing seizure of the items described in Attachment A hereto, all of which constitute evidence, fruits, and instrumentalities of violations of Title 7, United States Code, Section 2024(b)(1) and Title 18, United States Code Section 371.

WHEREFORE, your deponent respectfully requests that arrest warrants be issued for the defendants ENRIQUE CALDERON and ROSA ORTIZ and that the defendants be dealt with according to law.



Luigi Stolfa
Special Agent
U. S. Department of Agriculture
Office of Inspector General

Sworn to before me this
17th day of February, 2012



THE HONORABLE JAMES ORENSTEIN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

ATTACHMENT A

Evidence, instrumentalities and fruits of violations of Title 7, United States Code, Section 2024, and Title 18, United States Code, Section 371 to be seized from the premises known and described as Glenwood Food Corp., 103-19 Glenwood Road, Brooklyn, New York, 11236, including the basement area, and any locked or closed containers therein:

- a. Electronic benefit transaction ("EBT") cards;
- b. Equipment used in connection with EBT card transactions, including but not limited to EBT terminals, pin pads, card swipe devices, and recipient printers;
- c. Any and all materials/equipment relating to the USDA's supplemental nutrition assistance program, including but not limited to licenses, application materials, notices, training materials, records of redemptions, service records; and
- d. United States currency.